

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JASON A. MAHE,

Plaintiff,

v.

PERRY RUSSELL, *et al.*,

Defendants.

Case No. 3:21-cv-00300-MMD-WGC

ORDER GRANTING VOLUNTARY
DISMISSAL AND DENYING AS MOOT
APPLICATION TO PROCEED IN
FORMA PAUPERIS

Pro se Plaintiff Jason A. Mahe filed an application to proceed *in forma pauperis* and submitted a civil-rights complaint under 42 U.S.C. § 1983. (ECF Nos. 3, 5.) In screening Mahe's Complaint, the Court dismissed it without prejudice and with leave to amend to cure the deficiencies identified in the Screening Order. (ECF No. 9.) The Court gave Mahe until January 20, 2022, to file his amended pleading. (*Id.* at 10.) And it deferred ruling on Mahe's application to proceed *in forma pauperis*. (*Id.*)

Mahe now files a motion for voluntary dismissal. (ECF No. 11.) Under Federal Rule of Civil Procedure 41(a)(1), a plaintiff may dismiss an action without a court order by filing "a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment." Fed. R. Civ. P. 41(a)(1)(A)(i). The Court grants Mahe's motion to voluntarily dismiss this action because no responsive pleading has been filed in this case. As such, the Court dismisses this action without prejudice. And it denies as moot Mahe's application to proceed *in forma pauperis*, which means that Mahe will not be required to pay the filing fee.

It is therefore ordered that Mahe's motion for voluntary dismissal (ECF No. 11) is granted.

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1 It is further ordered that Mahe's application to proceed *in forma pauperis* (ECF No.
2 3) is denied as moot.

3 It is further ordered that this action is dismissed in its entirety without prejudice.

4 The Clerk of Court is directed to enter judgment accordingly and close this case.

5 DATED THIS 7th Day of January 2022.

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8 MIRANDA M. DU
9 CHIEF UNITED STATES DISTRICT JUDGE
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